

LFC Requester:	Christina Keyes
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**AGENCY BILL ANALYSIS
2016 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original X **Amendment**
Correction **Substitute**

Date 1/31/2016

Bill No: HB 41

Sponsor: Rep. William "Bill" R. Rehm

Agency Code: 305

Short Title: SCHOOL SUPERINTENDENT
CONTRACT CRITERIA

Person Writing AAG James Torres

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY16	FY17	FY18		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY16	FY17	FY18	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
N/A

SECTION III: NARRATIVE**BILL SUMMARY**

This analysis is neither a formal Attorney General's Opinion nor an Attorney General's Advisory Letter. This is a staff analysis in response to an agency's, committee's, or legislator's request.

Synopsis:

HB 41 exempts local superintendents, assistant superintendents and school employees from earning over \$150,000 from the School Personnel Act. This bill classifies local superintendents as at-will employees under employment contracts with local school boards. Duties, compensation and dates of employment, not exceeding two years, are determined by contract. Termination may occur (1) at the end of the contract without severance pay; (2) without cause, with possible severance pay not exceeding 4 weeks' salary upon superintendent's execution of a release of claims agreement; or (3) with cause, to be determined by the school board, with no severance pay. A local superintendent may only request a review hearing from the local school board if the superintendent is fired with cause.

SIGNIFICANT ISSUES

Some ambiguity may exist relating to background checks for local superintendents, assistant superintendents and school employees making over \$150,000. Given this bill's blanket statement that the School Personnel Act ("Act") does not apply to the foregoing employees, clarification may be helpful to ensure that background checks normally required by the Act are still required of employees explicitly exempt from the Act.

The employment parameters of assistant superintendents and school employees making over \$150,000 are left undefined. This bill exempts the foregoing employees from the Act, yet does not provide additional specifications for their employment classification. Clarification on this point may be necessary.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

AMENDMENTS

N/A